

REMARKS

This amendment is submitted in response to the Office Action dated June 28, 2006. Applicants have amended Claims 1-3, 5, 8-10, and 15-17. Claims 1-22 are now pending.

CLAIMS REJECTIONS UNDER 35 U.S.C. § 103

In the present Office Action, the Examiner has rejected Claims 1-22 under 35 U.S.C. § 103(a) as being unpatentable over US Patent Application Publication Number 2005/0071239 issued to Peter James Tormey et al. ("*Tormey*") and US Patent Application Publication Number 2001/0054064 issued to Pallipuram V. Kannan ("*Kannan*"). After careful consideration of the present Office Action, Applicants believe that Claims 1-22, as now amended, are not unpatentable over the combination of *Tormey* and *Kannan* and respectfully traverse the Examiner's rejection with the arguments submitted herein. After Applicants' amendment to Claims 1-3, 5, 8-10, and 15-17, Examiner's rejection of Claims 1-22 under § 103(a) as being unpatentable over *Tormey* in view of *Kannan* are now rendered moot because the combination of references does not teach or suggest each claimed feature in the claims as amended herein.

For example, the combination of references does not teach or suggest the following elements of exemplary **Claim 1** (and similar Claims 8 and 15) as amended herein:

in response to determining a predetermined length of time has not expired,
receiving said first file in said communication program; and
in response to determining said predetermined length of time has expired,
encapsulating said first file in a message transmission and sending said message
transmission to a target address.

Support for the amended claim language can be found in the present specification, for example, in **Figure 3**, blocks 308, 310, 312, 314, 316, 320, 322, and the accompanying text on page 9, paragraph 0029-page 12, paragraph 0037.

With reference to the foregoing features, the combination of *Tormey* and *Kannan* does not teach or suggest diverse delivery mechanisms that are dependent on the expiration of a "predetermined length of time". Rather, the combination of *Tormey* and *Kannan* discloses

sending a request for information, while waiting for the information, releasing browser resources to perform other work, and receiving the information in an email account. Thus, the requested information is always delivered via email.

In light of the preceding argument, Applicants believe that independent Claim 1, similar Claims 8, 15, and all dependent claims are not rendered unpatentable by the combination of *Tormey* and *Kannan*.

CONCLUSION

The Commissioner is hereby authorized to charge a one-month extension of time fee in the amount of \$120.00 to **Dillon & Yudell LLP's Deposit Account Number 50-3083**. Please charge any other fees required to maintain prosecution of the present application to **IBM Corporation Deposit Account Number 09-0447**.

Applicant further respectfully requests the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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